

# MorrisonCohen<sup>LLP</sup>

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October 4, 2022

**By ECF**

Hon. Kevin P. Castel  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl St., Courtroom 11D  
New York, New York 10007

The initial conference  
date is VACATED.  
The briefing schedule  
is ADOPTED.  
SO ORDERED  
with  
VSDJ

Re: Request for Approval of Briefing Schedule in *Jane Doe v. Yeshiva University, Andrew "Avi" Lauer, Esq., Chaim Nissel, Seyfarth Shaw, LLP, Dov Kesselman, Esq., and Emily Miller, Esq.*, No. 1:22-cv-05405-PKC-KHP 10-4-22

Dear Judge Castel:

This firm is counsel to Defendants Yeshiva University ("Yeshiva"), Andrew "Avi" Lauer, Esq., and Chaim Nissel (collectively, the "Yeshiva Defendants") in the above action. We submit this letter on behalf of all Defendants to request the Court's approval of (1) a new briefing schedule for Defendants' motion to dismiss the Amended Complaint, and (2) a briefing schedule for opposing Plaintiff's Motion for Leave to Proceed in This Action Under a Pseudonym (Dkt. No. 11). The date of the initial conference before this Court is October 24, 2022.

As you will recall, this firm and counsel for Defendants Seyfarth Shaw, LLP, Dov Kesselman and Emily Miller submitted pre-motion letters to the Court on September 15, 2022 (Dkt. Nos. 29 and 30). Plaintiff's counsel responded by letter dated September 21, 2022 (Dkt. No. 33). The Court memo endorsed Mr. Mulhearn's letter two days later, on September 23, 2022, noting Mr. Mulhearn's failure to adhere to Paragraph 3A iv. of the Court's Individual Practices and directed a supplement to his letter be filed by September 28, 2022 (Dkt. No. 34). Plaintiff's counsel failed to file a supplement by that date.

As of today, October 4, 2022, the Defendants understand that their time to answer the Complaint is tolled by virtue of the filing of the pre-motion letters in accordance with the Court's Individual Practices. Because Mr. Mulhearn failed to file a critical component of Plaintiff's response to a request to file a motion to dismiss and subsequently failed to file the supplement as requested by the Court, the Defendants are unsure of what the briefing schedule for the motions to dismiss may be. Additionally, the Defendants would also propose a briefing schedule to oppose Plaintiff's Motion for Leave to Proceed in This Action Under a Pseudonym (Dkt. No. 11).

The Defendants believe there is considerable merit to both their motions to dismiss as well as to their opposition to Plaintiff's ability to file under a pseudonym.

Hon. Kevin P. Castel  
United States District Judge  
October 4, 2022  
Page 2

**SUGGESTED BRIEFING SCHEDULE**

Given several upcoming religious observances as well as a pre-planned vacation, the Defendants propose the following schedule, to which Plaintiff's counsel has consented:

October 17 – Defendants file their motion under FRCP 12(b)(1) and (6).

October 28 – Plaintiff files supplemental papers in support of the Motion for Leave to Proceed in This Action Under a Pseudonym.

November 17 – Plaintiff files her opposition papers.

November 17 – Defendants file their opposition to Plaintiff's Motion for Leave to Proceed in This Action Under a Pseudonym.

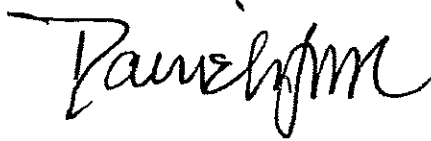
December 6 – Defendants file their reply papers.

December 6 – Plaintiff files her reply in connection with Plaintiff's Motion for Leave to Proceed in This Action Under a Pseudonym.

In accordance with Rule 1.B of this Court's Individual Practices, Defendants also request an adjournment of the initial conference currently scheduled for October 24, 2022, and accordingly suggested October 31, 2022 to Plaintiff's counsel. Plaintiff's counsel would prefer for the conference to remain on October 24 as currently scheduled.

We are available to further discuss the above matters at this Court's request.

Respectfully submitted,



Danielle C. Lesser

cc: (By ECF and Email):  
Kevin T. Mulhearn, Esq.  
*Attorney for Plaintiff*

Howard I. Elman  
David L. Barres  
*Attorneys for the Seyfarth Defendants*